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C O N F I D E N T I A L ZAGREB 002227

SIPDIS

STATE PASS L/ASHLEY ROACH AND OES/BOB SMITH

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SUBJECT: TROUBLED WATERS OVER CROATIA'S ECOLOGICAL AND FISHING ZONE?

REF: A. ZAGREB 01903

[B](#). ZAGREB 01925

Classified By: Pol/Econ Counselor Nicholas Hill, Reason: 1.5 b and d

Summary

[1](#)1. (C) Croatia continues to have trouble with its neighbors and the EU over its economic zone waters. On October 3, the Croatia parliament approved the government's proposal to proclaim an ecological and fishing zone in the Adriatic. By scaling back its earlier plan to declare an exclusive economic zone (EEZ), and by deferring implementation of the zone for twelve months, the government hopes to blunt the wrath of the EU and neighboring countries. The government apparently feared that the EU -- pushed by Italy and Slovenia -- would try to limit Croatia's options by unveiling at the November 25 Mediterranean Fisheries Ministers conference in Venice a proposal for a "joint economic zone." End Summary.

Showing They Can Disagree about Anything...

[1](#)2. (U) On October 3, the Croatian parliament supported a government proposal to declare a fishing and ecological zone, a step down from the earlier proposal for an exclusive economic zone, with a delay in implementation of 12 months. Although the difference between a fishing and ecological zone and an EEZ is slight -- both are based on the Convention of the Law of the Sea -- the issue has emerged as a bone of contention for Croatia's ruling coalition. The largest party in the coalition, the Social Democrats (SDP), argued that Croatia could avoid worse problems with the EU by scaling back the scope of its extension of jurisdiction. The opposition plus the Peasants Party (HSS) -- the ruling coalition's second largest party -- argued that it would be a betrayal of national interests if Croatia did not exert its full rights. In the end, the HSS agreed to the government's proposal after a non-substantive amendment was added. With eyes on parliamentary elections -- expected on November 23 -- all parties saw this as a net political gain with the Croatian public.

EEZ Option Endangered

[1](#)3. (C) Andreja Metelko-Zgombic, head of the MFA's International Legal Department, confirmed that the country delegations to the September 24 Brussels preparatory meeting for the Venice Conference of Fisheries Ministers had indeed urged Croatia not to act unilaterally -- a posture she found somewhat hypocritical, given that a number of European countries had declared unilaterally fishing and/or ecological zones, including in the Mediterranean. She believed that Italy was developing a novel idea for a "special" regime for the Adriatic. Croatia has long maintained its right to declare an exclusive economic zone, including relevant language from the Convention on the Law of the Sea in its domestic Maritime Code from 1994. It would be harder to invoke this right, she said, if and when the EU clearly stated a preference for a different solution.

[1](#)4. (C) Zgombic reaffirmed that Croatia felt confident it could and should accommodate Slovenian economic interests in fisheries. She said only two Slovenian boats now enter the high seas, mainly to catch sardines for Slovenian canneries. Their needs would be addressed easily. More difficult would be Slovenia's political needs. Zgombic said a 1993 Slovenian parliamentary declaration set as a Slovenian diplomatic imperative "territorial contact" with the high seas and control over the entire Piran Bay. She told us that the Slovenian position was emotionally charged and, from a legal perspective, largely "irrational."

The Adriatic as a European Sea

[1](#)5. (C) "The Adriatic must be a European sea," said an easily exasperated Slovenian diplomat we talked to on October 7. Jadran Hocevar, the Political Counselor and sometime DCM, told us he was outraged by the Croatian declaration of the

ecological/fisheries zone. He said that Slovenia's economic interests could be more easily accommodated than its political interests: "We have 30 commercial fishermen, 46 and a half kilometers of coast, and 1000 years of history." He predicted that the declaration would make implementation of the 2001 border "agreement" between Slovenia and Croatia more difficult -- an implausible comment given that the Croatians have said over and over again that the deal initialed by representatives of the two prime ministers was a dead letter already because the Croatian parliament would not ratify it.

Chasing the Few Fish Left

16. (C) Hocevar noted that Italian interests would be even harder to accommodate than Slovenia's. The Italian side of the Adriatic has been fished out almost completely -- a point the Italian DCM conceded to us privately. "We've over-fished our side of the Adriatic," he said bluntly during a reception last month. "We must fish in the eastern half." As a result, large Italian fishing vessels regularly ply close to -- and occasionally in -- Croatian territorial waters, taking advantage of the rich spawning areas off Croatia's vast network of islands. While Slovenia caught about 1,500 tons of fish a year, and Croatia about 30,000 tons, Hocevar estimated Italy's catch at "several hundreds of thousands" of tons. For their part, the Croatians point to independent studies showing that fish stocks in the Adriatic are in steep decline.

Comment

17. (C) Science and politics have mixed to create the GOC's current problems over its waters. The ruling coalition faces considerable political pressure to do more to protect its waters and diminishing fish stocks. While it would be easy to ascribe the current kerfuffle to GOC incompetence -- a default explanation that usually works -- on this issue, the government may conceivably be acting shrewdly, although the strength of EU displeasure has yet to be measured. The Venice Conference looms large and the GOC may want to improve its negotiating posture in advance. Given its EU-centric focus, it will likely cede much to its neighbors -- allowing, for example, Italian trawlers to fish in its ecological zone and Slovenian ships to enter at will. What the Croatians will not want to cede will be their right under international law to declare an ecological and fishing zone. And they will want to exclude vessels from outside the region -- for example, Asian fish factory trawlers. On this point, they should not have difficulty gathering a chorus of supporters among the participants in Venice.

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